251, 49 L. R. A. 679. (MECHEM ON SALES, §1816.) These cases, however, had previously been repudiated as unsound by the Iowa court in *Tolerton & Stetson Co.* v. *Anglo-California Bank* (1901), 112 Iowa, 706, 84 N. W. Rep. 930, 50 L. R. A. 777, and the Kansas court concurred with the Iowa court. The same rule was applied to Keller & Dean, a firm of attorneys, who had endorsed the draft before the bank discounted it. The court said that to hold the bank liable under such circumstances as these would discourage the immense business constantly carried on in this way and would "undoubtedly cause a revolution in commercial circles."

VOTERS—RIGHT TO VOTE FOR CANDIDATE WHOSE NAME IS NOT ON THE OFFICIAL BALLOT.—Whether a voter has an absolute right to vote for whom he pleases, or whether under the Australian ballot law his right can lawfully be limited to voting for some person only whose name is on the ticket, is a question which is growing in interest and difficulty. In the very recent case of *Chamberlin* v. *Wood* (1901)—S. Dak.—, 88 N. W. Rep. 109, is it held by a majority of the court that the legislature, in enacting an election law, may lawfully provide that no vote shall be counted which is not made by checking a name already printed on the official ballot, and that such a limitation involves no unlawful restriction upon the voter's constitutional rights. The argument of the majority is, in brief. that the right to vote is not a natural one, but a right conferred by the law, and that, unless restrained by express constitutional prohibition, the legislature may impose such regulations as it deems necessary to promote the public interests. Under the statute in question, a candidate's name could appear on the official ballot only when he had been nominated by a regular party organization or when twenty voters had requested it. The court conceded that there were declarations to the contrary in *Sanner* v. *Patton*, 155 Ill. 553, 40 N. E. Rep. 290; *People* v. *Shaw*. 133 N. Y. 493, 31 N. E. Rep. 512, 16 L. R. A. 606; *Bowers* v. *Smith*, 17 S. W. Rep. 761, 20 S. W. Rep. 101, 111 Mo. 45, 33 Am. St. Rep. 491; and *State* v. *Dillon*' 32 Fla. 545, 14 So. Rep. 383, 22 L. R. A. 124, but contended that in all of these cases, except the last, the expressions relied upon were mere *dicta*, while in the last case the point, though passed upon, was unnecessary to the decision of the case. Fuller, P. J., dissented.

CONSTITUTIONAL LAW—FOURTEENTH AMENDMENT—DUE PROCESS—EQUAL PROTECTION.—The statutes of Ohio forbade the manufacture or sale within that state of any artificial butter made "in imitation or semblance of natural butter." Natural butter might be made with or without any harmless coloring matter, but artificial butter was required to be free from any coloring matter causing it to look or appear like natural butter, and, by a later act, the use of certain enumerated coloring matters, which might lawfully be used in natural butter, was forbidden in the case of artificial butter. As against a domestic corporation, engaged in making and selling artificial butter in violation of the terms of the statutes referred to, *Held*, that the statutes were not in conflict with the constitution of the United States. *Capital City Dairy Co.* v. *Ohio* (1901), 183 U. S. 238.

It was urged that the legislation was in conflict with the power of Congress to regulate inter-state commerce, but as the corporation was a domestic one, operating within the State, it was held that the statutes affected the product before it had become a subject of inter-state commerce. It was also urged that inasmuch as the use of harmless coloring matter was permitted in the case of natural butter, but denied in the case of artificial butter, there was a denial of the equal protection of the laws, and a taking of property without due process of law. But it was held that as the state court had decided that this was not for the purpose of discriminating in favor of butter, but only to provide a means by which the public might distinguish between natural and artificial butter, the legislation must be deemed valid. "It cannot in reason be said," declared the supreme court, "as a mere matter of judicial inference, that such regulations for such purpose were a mere arbitrary interference with rights of property, denying the equal protection of the laws, or that they amounted to a taking of property without due process of law." *Powell* v. *Pennsylvania*, 127 U. S. 678, and *Plumley* v. *Massachusetts*, 155 U. S. 461, were held to be conclusive of the questions presented.

STATUTE OF LIMITATIONS—FAILURE TO LEAVE SUBJACENT SUPPORT IN MINING—WHEN STATUTE BEGINS TO RUN.—The supreme court of Pennsylvania had occasion, in a late case, to pass upon the vexed question as to the time when the statute of limitations begins to run, where there has been a failure to leave sufficient supports to maintain the surface—whether from the time the mineral is removed, or from the time when the surface subsides. The court held that the statute begins to run from the former date, so that in the case at bar there could be no recovery where there had been no subsidence until after the statutory period had expired, *Noonan* v. *Pardee*, 200 Pa. 474, 50 Atl. Rep. 255 (1901), 55 L.R.A. 410. The court cited several English cases, including *Backhouse* v. *Bonomi*, 9 H. L. Cas. 503, but declared that the cases in England were so conflicting that the law could not be considered as settled there. Curiously enough, however, it failed to cite (though the briefs show it had its attention drawn to) the leading and important case of *Darley Main Colliery Co.* v. *Mitchell*, 11 App. Cas. 127, (Mechem's Cases on Damages, 117,) wherein the House of Lords fully considered the question and came to the opposite conclusion.